

Community, Housing and Environment Committee

18 October 2016

Is the final decision on the recommendations in this report to be made at this meeting?

No

Adoption Of Byelaws for Cosmetic Piercing and Semi-Permanent Skin Colouring

Final Decision-Maker	Full Council
Lead Head of Service	John Littlemore Head of Housing and Community Services
Lead Officer and Report Author	Peter Lincoln Food and Safety Team Leader
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

To recommend to Council that Maidstone Borough Council adopts byelaws for registering businesses involved in the cosmetic piercing and semi-permanent skin colouring by implementing Section 120 and schedule six of the Local Government Act 2003

This report relates to the following corporate priorities:

Securing a successful economy for Maidstone Borough –
The adoption of the byelaws supports the Council's corporate priorities in maintaining a thriving and diverse local economy, by virtue that all registered businesses will need to meet the same standards.

Timetable

Meeting	Date
Committee (Community, Housing and Environment)	18.10.16
Full Council	7.12.16

Adoption of Byelaws for Cosmetic Piercing and Semi-Permanent Skin Colouring

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council has adopted powers *set out in the Local Government (Miscellaneous Provisions) Act 1982* which require the registration of businesses providing tattooing, electrolysis, ear piercing and acupuncture. The purpose behind this requirement is to prevent the *transmission of blood borne virus infections, such as Hepatitis B, Hepatitis C and HIV and other infections* between persons through these invasive treatments. The Local Government Act 2003 extended the range of activities, which are required to be registered with the Council to include, cosmetic piercing and skin colouring, treatments that also have the potential to transmit communicable diseases.
 - 1.2 This report seeks approval to adopt additional byelaws to give the Council similar powers to protect public health to correspond with existing byelaws for other treatments. The intention of byelaws is to ensure that hygienic and safe skin piercing practices are carried out by operators, to protect the health and safety of those being pierced and those carrying out the piercing activities.
 - 1.3 The new byelaws will be based on models provided by the Department of Health [see Appendix 1], and cover cosmetic piercing and semi-permanent skin colouring. The adoption of the additional byelaws requires approval by Full Council and then confirmation by the Secretary of State for Health.
 - 1.4 There are no financial implications. Fees are charged for registration. Ensuring compliance with the byelaws is part of our normal public health function.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Council has adopted powers set out in the Local Government (Miscellaneous Provisions) Act 1982 which require the registration of businesses providing tattooing, electrolysis, ear piercing and acupuncture. The purpose behind this requirement is to prevent the transmission of blood borne virus infections, such as Hepatitis B, Hepatitis C and HIV and other infections between persons through these invasive treatments.
- 2.2 The Local Government Act 2003 extended the range of activities, which are required to be registered with the Council to include, cosmetic piercing and skin colouring, treatments that also have the potential to transmit communicable diseases.
- 2.3 Over the last 13 years these activities have grown in popularity and include micro pigmentation (semi permanent tattooing of eyebrows, nipples etc) and body-piercing covering all areas of the body except female genitalia.

- 2.4 These activities are not covered by the existing byelaws in Maidstone and consequently officers are unable to implement the protection against infections that the new byelaws would give. Powers are limited to those under health and safety legislation for matters of evident concern.
 - 2.5 The Local Government Act 2003 brought the additional treatments into the registration scheme. This means that any business carrying out these treatments must be registered but there are no byelaws in Maidstone that businesses must comply with, resulting in less protection for operators and members of the public having the treatments.
 - 2.6 The Department of Health has made model byelaws. These have been adopted by Swale and Tunbridge Wells Councils. Adopting the byelaws in Maidstone would enable best practice, bring consistency in the registration regime and offer the same level of public health protection.
 - 2.7 Adoption of the byelaws would also provide a level playing field for businesses in this sector by ensuring that all processes operated by businesses work to the same standards.
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3. AVAILABLE OPTIONS

3.1 Option One – Do Nothing

Maidstone Council would continue to have a registration regime where only some of the special treatments are covered by bye-laws. This effectively reduces the Council's ability to enforce proper provisions of hygiene to protect public health.

3.2 Option Two – Adopt byelaws covering cosmetic piercing and semi-permanent skin colouring to ensure that public health controls are implemented in businesses registered for the treatments..

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option Two – Adopt byelaws covering cosmetic piercing and semi-permanent skin colouring for the reasons given above.

This option involves adopting byelaws, based on model byelaws provided by the Department of Health, as in the Appendix and regularise the registration process in providing for byelaws covering all special treatments under The Local Government (Miscellaneous Provisions) Act 1982.

If this option is approved it will have to be agreed at Full Council before being submitted to the Secretary of State for Health for confirmation.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 Nil

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If option two is agreed the next step is to obtain the agreement at Full Council. The Council must pass a resolution authorising the affixing of the common seal to the byelaws and authorising the necessary procedure to apply to the Secretary of State for confirmation.
- 6.2 At least one calendar month before applying to the Secretary of State for confirmation notice of the Council's intention to apply for confirmation must be given in one or more local newspapers circulating in the area to which the byelaws will apply.
- 6.3 A copy of the byelaws must then be open to the public for inspection at the Council offices, without charge, at all reasonable times during that month.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The adoption of the byelaws supports the Council's corporate priorities in maintaining a thriving and diverse local economy, by virtue that all registered businesses will need to meet the same standards.	[Head of Service or Manager]
Risk Management	The extended byelaws will assist in protecting the health and safety of all people associated with non-medical semi -permanent skin colouring and cosmetic piercing. The proposed byelaws are very close to the model byelaws provided by the Department of Health which should ensure that the Secretary of State for Health confirms them.	[Head of Service or Manager]
Financial	None. Officer time is already spent on inspection of registered premises following an application to give health	[Section 151 Officer & Finance Team]

	and safety advice and guidance. Adopting the byelaws would give specific hygiene criteria for businesses to meet	
Staffing	None	[Head of Service]
Legal	The existing registration requirement and byelaws for tattooing, electrolysis, ear piercing and acupuncture have proved to be effective controls at protecting public health. Adoption of the Local Government Act 2003 is the step to ensure that newer cosmetic treatments are provided with the same level of protection. If these provisions are not adopted the Council will continue to have little control over cosmetic piercing and semi - permanent skin colouring within the Borough, which will pose a concern for the health of people using these services and those working in this sector.	[Legal Team]
Equality Impact Needs Assessment	Adoption of the recommendations will ensure that all businesses offering any type of non-medical skin piercing will have to comply with the byelaws. No detrimental impact on the protected characteristics of individuals identified.	[Insight and Information officer]
Environmental/Sustainable Development	None	[Head of Service or Manager]
Community Safety	The existing registration requirement and byelaws for tattooing, electrolysis, ear piercing and acupuncture have proved to be effective controls at protecting public health. Adoption of the Local Government Act 2003 is the step to ensure that newer	[Head of Service or Manager]

	cosmetic treatments are provided with the same level of protection. If these provisions are not adopted the Council will continue to have little control over cosmetic piercing and semi -permanent skin colouring within the Borough, which will pose a concern for the health of people using these services and those working in this sector.	
Human Rights Act	None	[Head of Service or Manager]
Procurement	None	[Head of Service & Section 151 Officer]
Asset Management	None	[Head of Service & Manager]

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Proposed byelaws for cosmetic piercing and proposed byelaws for semi-permanent skin colouring

9. BACKGROUND PAPERS: None